

1 not more than 2 times for not more than 1 additional year for each
2 extension if the court finds that there is a specific
3 rehabilitation goal that has not yet been achieved, or a specific,
4 articulable, and ongoing risk of harm to a victim that can be
5 mitigated only with continued probation supervision.

6 (2) Except as provided in subsection ~~(10)~~, **(12)**, section 2a of
7 this chapter, and section 36 of chapter VIII, after the defendant
8 has completed 1/2 of the original felony or misdemeanor probation
9 period, he or she may be eligible for early discharge as provided
10 in this section. The defendant must be notified at sentencing of
11 his or her eligibility and the requirements for early discharge
12 from probation, and the procedure provided under subsection ~~(3)~~ **(5)**
13 to notify the court of his or her eligibility.

14 (3) **Except as provided in subsection (12), section 2a of this**
15 **chapter, and section 36 of chapter VIII, and subject to subsection**
16 **(4), the court may reduce a sentence of probation by 90 days for**
17 **every 6 months that a qualified probationer complies with the**
18 **requirements of the medication-assisted program for the treatment**
19 **of an alcohol use disorder or opioid use disorder approved by the**
20 **department of corrections. However, this subsection does not apply**
21 **to a qualified probationer who is subject to a mandatory probation**
22 **term.**

23 (4) The court shall not grant the reduction in the term of
24 probation allowed under subsection (3) to a qualified probationer
25 if he or she commits either of the following during his or her term
26 of probation regardless of his or her compliance with a medication-
27 assisted program for the treatment of an alcohol use disorder or
28 opioid use disorder:

29 (a) An act that directly threatens, endangers, or injures



1 another person.

2 (b) A violation of a law of this state, a political
3 subdivision of this state, another state, or the United States or
4 of tribal law, that is not a law related to the use or possession
5 of a controlled substance, unless the court determines the primary
6 cause of the violation was the probationer's identified substance
7 use disorder and another person was not threatened, endangered, or
8 injured by the conduct giving rise to the violation.

9 (5) ~~(3)~~—If a probationer has completed all required
10 programming, the probation department may notify the sentencing
11 court that the probationer may be eligible for early discharge from
12 probation. If the probation department does not notify the
13 sentencing court as required under this subsection and the
14 probationer has not violated probation in the immediately preceding
15 3 months, the probationer may notify the court that he or she may
16 be eligible for early discharge from probation on a form provided
17 by the state court administrative office. **In making a determination**
18 **regarding early discharge from probation under subsection (2), the**
19 **court shall consider whether or not the probationer received a**
20 **reduction under subsection (3).** This subsection does not prohibit
21 the court from considering a probationer for early discharge from
22 probation at the court's discretion.

23 (6) ~~(4)~~—A probationer must not be considered ineligible for
24 early discharge because of an inability to pay for the conditions
25 of his or her probation, or for outstanding court-ordered fines,
26 fees, or costs, so long as the probationer has made good-faith
27 efforts to make payments. However, nothing in this subsection
28 relieves a probationer from his or her court-ordered financial
29 obligations after discharge from probation.



1 (7) ~~(5)~~—Upon notification as provided under subsection ~~(3)~~,
2 (5), the sentencing court may review the case and the probationer's
3 conduct while on probation to determine whether the probationer's
4 behavior warrants an early discharge. Except as provided in
5 subsection ~~(7)~~, ~~(9)~~, if the court determines that the probationer's
6 behavior warrants a reduction in the probationary term, the court
7 may grant an early discharge from probation without holding a
8 hearing. Before granting early discharge to a probationer who owes
9 outstanding restitution, the court must consider the impact of
10 early discharge on the victim and the payment of outstanding
11 restitution. If a probationer has made a good-faith effort to pay
12 restitution and is otherwise eligible for early discharge, the
13 court may grant early discharge or retain the probationer on
14 probation up to the maximum allowable probation term for the
15 offense, with the sole condition of continuing restitution
16 payments.

17 (8) ~~(6)~~—If after reviewing the case under subsection ~~(5)~~, ~~(7)~~,
18 the court determines that the probationer's behavior does not
19 warrant an early discharge, the court must conduct a hearing to
20 allow the probationer to present his or her case for an early
21 discharge and find on the record any specific rehabilitation goal
22 that has not yet been achieved or a specific, articulable, and
23 ongoing risk of harm to a victim that can only be mitigated with
24 continued probation supervision.

25 (9) ~~(7)~~—The sentencing court shall hold a hearing before
26 granting early discharge to a probationer serving a term of
27 probation for a felony offense eligible for early discharge that
28 involves a victim who has requested to receive notice under section
29 18b, 19, 19a, 20, or 20a of the William Van Regenmorter crime



1 victim's rights act, 1985 PA 87, MCL 780.768b, 780.769, 780.769a,
2 780.770, and 780.770a, or for a misdemeanor violation of section
3 81, 81a, or 136b of the Michigan penal code, 1931 PA 328, MCL
4 750.81, 750.81a, and 750.136b, that is eligible for early
5 discharge. If a probationer owes outstanding restitution, the court
6 must consider the impact of early discharge on the payment of
7 outstanding restitution and may grant early discharge or retain the
8 probationer on probation up to the maximum allowable probation term
9 for the offense, with the sole condition of continuing restitution
10 payments.

11 (10) ~~(8)~~—If a hearing is to be held under subsection ~~(7)~~, ~~(9)~~,
12 the prosecutor shall notify the victim of the date and time of the
13 hearing and the victim must be given an opportunity to be heard.

14 (11) ~~(9)~~—The department of corrections shall report, no later
15 than December 31 of each year, to the committees of the senate and
16 house of representatives concerning the judiciary or criminal
17 justice the number of felony probationers who were released early
18 from probation under this section and any available recidivism
19 data.

20 (12) ~~(10)~~—A defendant who was convicted of 1 or more of the
21 following crimes is not eligible for reduced probation under this
22 section:

23 (a) A domestic violence related violation of section 81 or 81a
24 of the Michigan penal code, 1931 PA 328, MCL 750.81 and 750.81a, or
25 an offense involving domestic violence as that term is defined in
26 section 1 of 1978 PA 389, MCL 400.1501.

27 (b) A violation of section 84 of the Michigan penal code, 1931
28 PA 328, MCL 750.84.

29 (c) A violation of section 411h of the Michigan penal code,



1 1931 PA 328, MCL 750.411h.

2 (d) A violation of section 411i of the Michigan penal code,
3 1931 PA 328, MCL 750.411i.

4 (e) A violation of section 520c of the Michigan penal code,
5 1931 PA 328, MCL 750.520c.

6 (f) A violation of section 520e of the Michigan penal code,
7 1931 PA 328, MCL 750.520e.

8 (g) A listed offense.

9 (h) An offense for which a defense was asserted under section
10 36 of chapter VIII.

11 (i) A violation of chapter LXVIIA of the Michigan penal code,
12 1931 PA 328, MCL 750.462a to 750.462h, or former section 462i or
13 462j of that act.

14 **(13)** ~~(11)~~—The court shall, by order to be entered in the case
15 as the court directs by general rule or in each case, fix and
16 determine the period, conditions, and rehabilitation goals of
17 probation. **The order shall include a designation that the**
18 **probationer is a qualified probationer, if applicable.** The order is
19 part of the record in the case. The court may amend the order in
20 form or substance at any time. If the court reduces a defendant's
21 probationary term under this section, the period by which that term
22 was reduced must be reported to the department of corrections.

23 **(14)** ~~(12)~~—A defendant who was placed on probation under
24 section 1(4) of this chapter as it existed before March 1, 2003 for
25 an offense committed before March 1, 2003 is subject to the
26 conditions of probation specified in section 3 of this chapter,
27 including payment of a probation supervision fee as prescribed in
28 section 3c of this chapter, and to revocation for violation of
29 these conditions, but the probation period must not be reduced



1 other than by a revocation that results in imprisonment or as
2 otherwise provided by law.

3 **(15)** ~~(13)~~—If an individual is placed on probation for a listed
4 offense as that term is defined in section 2 of the sex offenders
5 registration act, 1994 PA 295, MCL 28.722, the individual's
6 probation officer shall register the individual or accept the
7 individual's registration as provided in that act.

8 **(16)** ~~(14)~~—Subsection (1) does not apply to a juvenile placed
9 on probation and committed under section 1(3) or (4) of chapter IX
10 to an institution or agency described in the youth rehabilitation
11 services act, 1974 PA 150, MCL 803.301 to 803.309.

12 **(17) Not less than annually, each court shall report all of**
13 **the following to the house and senate standing committees on the**
14 **judiciary:**

15 **(a) The number of individuals who participated in a**
16 **medication-assisted program for the treatment of an alcohol use**
17 **disorder or opioid use disorder.**

18 **(b) The number of individuals who received a reduction in**
19 **probation because of his or her participation in a medication-**
20 **assisted program for the treatment of an alcohol use disorder or**
21 **opioid use disorder.**

22 **(c) The number of individuals who reoffended after**
23 **participating in a medication-assisted program for the treatment of**
24 **an alcohol use disorder or opioid use disorder within 3 years of**
25 **discharge from probation.**

26 **(d) The form and type of medication-assisted program for the**
27 **treatment of an alcohol use disorder or opioid use disorder**
28 **participated in by each individual.**

29 **(18)** ~~(15)~~—As used in this section: 7



1 (a) ~~"listed"~~**Listed** offense" means that term as defined in
2 section 2 of the sex offenders registration act, 1994 PA 295, MCL
3 28.722.

4 (b) "Medication-assisted program for the treatment of an
5 alcohol use disorder or opioid use disorder" means a treatment
6 program that must include, but need not be limited to, a medical
7 assessment, counseling plan, medication plan, and testing.

8 (c) "Nonviolent offense" means a crime that does not involve
9 the use of any force against or injury to another person.

10 (d) "Qualified probationer" means an individual serving 1 or
11 more probation terms for a controlled substance violation or
12 another nonviolent offense that the court record indicates was
13 primarily the result of controlled substance or alcohol use.

